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FM AMEMBASSY PRETORIA
TO RUEHC/SECSTATE WASHDC 7512
INFO RUCPDC/DEPT OF COMMERCE WASHDC
RHEBAAA/DEPT OF ENERGY WASHINGTON DC
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0947
RUEHRL/AMEMBASSY BERLIN 0675
RUEHBY/AMEMBASSY CANBERRA 0808
RUEHLO/AMEMBASSY LONDON 1704
RUEHMO/AMEMBASSY MOSCOW 0956
RUEHNE/AMEMBASSY NEW DELHI 0547
RUEHOT/AMEMBASSY OTTAWA 0766
RUEHFR/AMEMBASSY PARIS 1540

UNCLAS PRETORIA 000377

SIPDIS
SENSITIVE

STATE PLEASE PASS USAID
STATE PLEASE PASS USGS
DEPT FOR AF/S, ISN, EEB/ESC AND CBA
DOE FOR T.SPERL, G.PERSON, A.BIENAWSKI, M.SCOTT, L.PARKER
DOC FOR ITA/DIEMOND

E.O. 12958: N/A
TAGS: [ENRG](#) [EMIN](#) [EPET](#) [SENV](#) [EINV](#) [EIND](#) [KNNP](#) [SF](#)
SUBJECT: SAG CONVEYS READINESS TO SIGN NUCLEAR AGREEMENT IN WRITING

REF: Pretoria 238 and previous

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¶1. (SBU) SUMMARY: The SAG sent a diplomatic note (see full text below) conveying its readiness to sign the bilateral Agreement on Cooperation in Research and Development of Nuclear Energy, as promised in a February 20 conference call. The SAG conveyed that it must sign the Agreement at the level of a Cabinet Minister. Embassy believes that a Secretary-level signing would be useful in advancing our overall bilateral relationship and nuclear and non-nuclear energy agenda. The SAG asked the USG for suggestions on signing opportunities in its note. End Summary.

¶2. (SBU) In a February 20 conference call between the SAG Departments of Foreign Affairs (DFA) and Minerals and Energy (DME) and the U.S. DOE, DFA confirmed full approval to sign and eagerness to move forward on the Agreement. DFA promised to send a written diplomatic note to confirm their readiness (see full text below). DFA said the Agreement must be signed by a Cabinet Minister, per the South African Constitution. The April 22 elections will present a challenge to arranging the signing; therefore, the April Beijing Nuclear Ministerial will not work. Signing in advance of the elections might avoid potential delays with a new government. After the signing of the Agreement, the Parliament would be informed of the Agreement. There is no ratification process once the Agreement is signed, according to DFA.

¶3. (SBU) DOE Deputy Assistant Secretary Nuclear Energy Edward McGinnis expressed eagerness to move forward and noted that this agreement was a high priority. The Secretary of Energy would be the preferred signatory, but if the Secretary could not be scheduled, then he would identify an appropriate surrogate. (Note: DFA may propose an early opportunity with the Foreign Minister as early as March 31. End Note.) DOE Nuclear Energy will be the lead for implementation for the U.S. and DOE International Policy Director George Person's office will have the lead on working with the Secretary's office to prepare for the signing. POCs for implementation will be Michelle Scott at DOE and Ditebogo Kgomo at DME.

¶4. (SBU) DFA is eager to operationalize the Agreement's Joint Coordinating Committee (JCC) to make sure all interested parties are

informed and consulted (particularly given nuclear "dualist" considerations). All agreed that it would be important to think about establishing this committee. DOE and Embassy clarified that the JCC is the technical and operational committee for tracking the implementation of the Agreement and is complementary, but distinct, from the proposed Joint Standing Committee on Nuclear Energy Cooperation (JSCNEC) which is broader and includes both policy and technical discussions and other federal agencies (State-led). All parties are eager to move forward on this separate initiative as well.

15. (U) Following is the text of the February 23 diplomatic note, numbered FA3/D8:

Qnumbered FA3/D8:

The Department of Foreign Affairs of the Republic of South Africa presents its compliments to the Embassy of the United States of America and has the honor to refer to the Draft Agreement between the Government of the United States of America and the Government of the Republic of South Africa on Co-operation in Research and Development of Nuclear Energy.

The Department of Foreign Affairs of the Republic of South Africa has the honor to inform the Embassy of the Untied States of America that the internal procedures as required under Section 231 of the Constitution of the Republic of South Africa (1996) have been completed and that the draft Agreement is therefore ready for signature by the two Parties. The Department of Foreign Affairs furthermore wishes to note that, in accordance with the Constitution of the Republic of South Africa, all international agreements need to be signed by a duly authorized Cabinet Minister.

The Department of Foreign Affairs of the Republic of South Africa would appreciate receiving any suggestions by the Government of the United States of America regarding an appropriate opportunity for the signing of the draft Agreement on Co-operation in Research and Development of Nuclear Energy. (Complimentary closing.)

LA LIME